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SENATE BILL 1056

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

John T. L. Grubescic

AN ACT

RELATING TO MUNICIPALITIES; PROHIBITING A MUNICIPALITY FROM  
IMPOSING A TAX UPON THE TRANSFER OF REAL PROPERTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-18-2 NMSA 1978 (being Laws 1972,  
Chapter 26, Section 1, as amended) is amended to read:

"3-18-2. PROHIBITION ON MUNICIPAL TAXING POWER. -- Unless  
otherwise provided by law, no municipality may impose:

- A. an income tax;
- B. a tax on property measured on an ad valorem,  
per unit or other basis; or
- C. any excise tax, including but not limited to:
  - (1) sales taxes;
  - (2) gross receipts; and
  - (3) excise taxes on any incident relating to:

underscored material = new  
[bracketed material] = delete

- 1 (a) tobacco;
- 2 (b) liquor;
- 3 (c) motor fuels; [~~and~~]
- 4 (d) motor vehicles; and
- 5 (e) the transfer from one person to
- 6 another of legal or equitable title to real property.

7 D. However, any municipality may impose excise  
8 taxes of the sales, gross receipts or any other type on  
9 specific products and services, other than those enumerated in  
10 Paragraph (3) of Subsection C of this section, if the products  
11 and services taxed are each named specifically in the  
12 ordinance imposing the tax on them and if the ordinance is  
13 approved by a majority vote in the municipality.

14 E. Subsections C and D of this section shall not  
15 be construed to apply to or otherwise affect any occupation  
16 tax imposed prior to or after the effective date of this 1980  
17 act under Sections 3-38-1 through 3-38-12 NMSA 1978, as those  
18 sections may be amended from time to time; provided the  
19 provisions of this subsection shall not apply to the sale of  
20 motor vehicles. "